

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned U.S.
 OTHER MINOR OFFENSE MO ☐ 1085 4 8509 vs. MERRELL, BEN (36)
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence
 FELONY Fel ☒ District Office 1-25-77 (LAST, FIRST, MIDDLE)

Case Filed
 Mo. Day
 1 5
 No. of Def's
 *

77-00003-01

U.S. MAG.
CASE NO.U.S. TITLE/SECTION
18:1708

OFFENSES CHARGED
 Possession of check stolen
 from mail
 (\$2,000.00 and/or 5 Yrs.)

ORIGINAL COUNTS

1

BAIL • RELEASE

☐ AMT ☐ Fugitive
☐ Denied ☐ Set ☐ Pers. Recog.

\$2,500.00

conditions

Date
 1-5-77

☐ 10% Deposit☐ Surety Bond/C☐ Bail Not Made☐ Collateral☐ Status Changed
(See Docket)☐ 3rd Prty Cust ☐ Other

II. KEY DATES & INTERVALS

ARREST or

U.S. Custody Began

1-6-77

Summons Served

First Appearance

INDICTMENT

Information ☐

1-5-77

Indict. Waived ☐

Superseding

☐ Indict/Info ☐

In Charging District

ARRAIGNMENT

1-13-77

1st Plea

1-13-77

Final Plea

1-13-77

TRIAL

Trial Set For

☐ NG ☒ G ☐ NOL☐ { G. Plea☐ { W/Drawn☐ NG ☒ G ☐ NOL

Voor Dire

☐

Trial Began

☐

Trial Ended

☐

SENTENCE

Disposition of Charges

1-25-77

☒ Convicted☐ Acquitted☐ Dismissed:☒ On All Charges☐ On Lesser *
Offense(s)☐ WOP: ☐ WP☐ On Governm't Motion

MAGISTRATE

| | | | | | | |
|---------------------------|--------|------|-------------|---|-------------|---|
| Search Warrant | Issued | DATE | INITIAL/NO. | INITIAL APPEARANCE DATE | INITIAL/NO. | OUTCOME: |
| | Return | | | PRELIMINARY EXAMINATION | | <input type="checkbox"/> DISMISSED |
| Summons | Issued | | | OR | | <input type="checkbox"/> HELD FOR GJ OR OTHER PRO- CEEDING IN THIS DISTRICT |
| | Served | | | <input type="checkbox"/> REMOVAL HEARING | | <input type="checkbox"/> HELD FOR GJ OR OTHER PRO- CEEDING IN DISTRICT BELOW |
| Arrest Warrant Issued | | | | <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED | Tape Number | |
| COMPLAINT | | | | <input type="checkbox"/> INTERVENING INDICTMENT | | |
| OFFENSE (In Complaint) | | | | | | |

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☒ CJA ☐ Ret; ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Robert G. Fry, Jr. PH: 585-1107

411 Mayo Bldg., Tulsa, OK 74103

Hubert H. Bryant
 Asst. US Attorney

* Show last names and suffix numbers of other defendants on same indictment/information:

| DATE | (DOCUMENT NO.) | PROCEEDINGS | EXCLUDABLE DELAY (a) (b) (c) (d) |
|------|----------------|--|-------------------------------------|
| 1-5 | | Record vote of the Grand Jury concurring, filed. ph | |
| 1-5 | | Indictment, filed in open Court. Bond set at \$2,500, C/S. (Allen E. Barrow, Judge)v | 2 1-5-77 M |
| 1-5 | | Petition for writ of HCAP, filed. Writ issued.s 0 to J | |
| 1-5 | | Warrant issued. v | |
| 1-6 | | MO: Case set for ARRAIGNMENT & PLEA on 1-13-77 at 10:00 a.m. Deft. is granted 10 days from this date to file any and all pretrial motions; Govt. then granted 5 days from this date to file response. (AEB-J)v -notices mld. cert. | |
| 1-6 | | Mag. papers added to file. v | |
| 1-7 | | Order, fld., granting WHCAP re 1-12 & 13-77, re appt. of atty. & arraign. (AEB-J)v | |
| 1-7 | | W/Arrest, ret. & filed: deft. arrested at Tahlequah, Ok. on 1-6-77. g | 2 1-6-77 M 2 |
| 1-7 | | WHCAP, ret. unexecuted, handled on warrant 1-6-77. g | |
| 1-13 | | Case called for arraignment & plea. Deft. present & rep. Govt. rep. Deft. acknow. receipt of indict; is advised of charge & placed under Cont'd | |

| IV. PROCEEDINGS (continued) | | V. EXCLUDABLE DELAY | | | |
|-------------------------------|---|-------------------------------|-------------------------------|---------------------|----------------------|
| DATE | (DOCUMENT NO.) | Interval Section II (a) | Start Date End Date (b) | Ltr. Code (c) | Total Days (d) |
| | oath. Deft. is arraigned & enters plea of GUILTY to indict., & is adjudged GUILTY as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Sentencing set on 1-25-77, at 10:00 A.M. Ct. orders pre-sent. report. Ct. will reduce bond to \$1,500 C/S if state charges are dismissed against deft. Deft. remanded to USM. (AEB-J)b | | | | |
| 1-25 | Case called for sentencing. Deft. present & rep. Govt. rep. Deft. & co. asked if they have anything to say before sent. is pronounced: Judgment & Sentence - Ben Merrell Atty. Gen. - Three (3) years, pursuant to T. 18, USC, Sec. 4205(a). It is further adjudged that deft. enroll in program for treatment of alcoholism. Deft. remanded to USM. (AEB-J)b | | | | |
| 1-25 | Judgment & Commitment, filed & entered. (AEB-J)b | | | | |
| 1-25 | Two c/c of J&C to USM. b | | | | |
| 2-14 | J&C, ret. & filed: deft. delivered to FCI, El Reno, Ok. 2-9-77. g | | | | |
| FINE AND RESTITUTION PAYMENTS | | | | | |
| DATE | RECEIPT NUMBER | C.D. NUMBER | DATE | RECEIPT NUMBER | C.D. NUMBER |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

For Identifying
Periods of Excludable
Delay Per 18
U.S.C. 3161(h)

A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).

B. NARA Exami-
nation (28
U.S.C. 2902).

C. State or Federal
trials on other
charges.

D. Interlocutory
Appeals.

E. Hearings on
pretrial motions.

F. Transfers from
other districts
(per F.R.C.P.
Rules 20, 21
& 40).

G. Defendant Motion
is actually
under advise-
ment. Period of
up to 30 days
is excludable
per
3161(h) (1) (G).

H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Deporta-
tion,
Extradition.

I. Prosecution de-
ferred by
mutual agree-
ment.

M. Unavailability
of defendant
or essential
witness.

N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.

O. Period of
NARA Com-
mitment or
Treatment.

P. Superseding
indictment
and/or new
charges.

R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.

I. Continuances
Granted per
3161(h) (8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants
interests).

U. Time between
guilty plea and
plea with-
drawal.

W. Grand Jury in-
dictment ex-
tended per
3161 (b).